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**OFFICE OF PETITIONS**

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In re Application of :  
Richard D. Romero, et. al. :  
Application No. 09/745,289 : **ON PETITION**  
Filed: December 20, 2000 :  
Attorney Docket No. 042933/274313 :

This is a decision on the petition under 37 CFR 1.137(b), filed on July 14, 2006, to revive the above-identified application.


The application became abandoned for failure to respond to the non-final Office action mailed November 17, 2005. A Notice of Abandonment was mailed on May 17, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of \$1,020 for a three (3) month extension of time filed on July 14, 2006. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1,020 extension of time fee was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 2157, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions